REMARKS

The Examiner is thanked for the clearly stated action. This communication is filed in response to the Office Action having a mailing date of June 18, 2009, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire September 18, 2009 . Nineteen (19) claims, including three (3) independent claims, were paid for in the application. No claims are currently added, canceled, or amended. No new matter has been added to the application, and all claims are believed in condition for allowance. No fee for additional claims is due by way of this Amendment. Upon entry of the amendments herewith, claims 1-19 remain pending

I. Discussion of the claims and cited references

The present Office Action rejects claims 1-3 and 6-7 under 35 U.S.C. § 103(a) as being unpatentable over ***Daines*** (U.S. Patent No. 6,192,422) in view of ***Szymanski*** (U.S. Patent No. 6,851,086).

Claims 10 and 15-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over ***Diepstraten*** (U.S. Patent No. 5,339,316) in view of ***Daines***.

Claims 18-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over ***Diepstraten***, and ***Daines***, in view of ***Gu*** (U.S. Patent No. 6,845,089).

Claims 11-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over ***Diepstraten***, and ***Daines***, in view of ***Szymanski***.

Claims 4-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over ***Daines***, and ***Szymanski***, in view of ***Gu***.

Claims 8-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over ***Daines***, and ***Szymanski***, in view of ***Diepstraten***.

For the reasons set forth below, these rejections are respectfully traversed. It is therefore kindly requested that the rejections be reconsidered and withdrawn.

a. Independent Claim 1; Initiating Retransmission … By the At Least One Repeater

Independent claim 1 recites, *inter alia*, "initiating retransmission of the data packet onto the network by the at least one repeater node." The cited references do not perform this step. According to claim 1, the data packet is transmitted by a transmitter to a repeater. The data packet is stored in the repeater and forwarded by the repeater. Then, in the event of communication failure, the repeater retransmits its stored copy. It is respectfully asserted that neither *Daines* nor *Szymanski* have a repeater that retransmits as required by claim 1.

As established in previous communications, *Szymanski* does not teach "retransmission of the … stored copy" as recited by claim 1. Now, in the present Office Action, *Daines* is relied upon to supply this step. In particular, Col. 4, Line 60 – Col. 5, Line 5 of *Daines* is identified. The statements of *Daines*, however, relied upon by the Office Action do not teach a repeater node initiating retransmission of the data packet, and instead, the identified statements appear to teach just the opposite. In fact, the passage at Col. 4, Line 65 – Col. 5, Line 2 makes it abundantly clear that it is *Daines'* original sending node that initiates a retransmission, not his repeater node. Specifically, *Daines'* Col. 4, Line 65 – Col. 5, Line 2 recites, with emphasis added:

> If the MAC determines the frame is invalid, it marks the frame as invalid before forwarding it (which eventually will result in the sending node sending another copy of the packet containing the frame).

This is a key difference between *Daines* and claim 1. The *Daines* reference, which addresses the problems of collisions on a network path, does not retransmit a stored packet from a repeater node in response to receiving a NACK signal from a receiver. Instead, it is *Daines'* original transmitting node that performs the retransmission. That is, while claim 1 recites "initiating retransmission … by the at least one repeater node," *Daines'* repeater merely forwards the defective packet along, which induces the NACK, and which further induces the sending node to re-transmit the packet. Accordingly, claim 1 is allowable over *Daines*.

b. Independent Claim 1; Transmitting the Stored Copy

Additional evidence further proves that *Daines'* repeater does not initiate the retransmission. More specifically, claim 1 further recites, *inter alia*, that the repeater retransmits "the stored copy of the forwarded data packet." Since *Daines'* repeater is not capable of retaining a copy of the forwarded data packet, *Daines'* repeater does not even have a "stored copy."

Practically speaking, in order for any device to retransmit a stored copy of a data packet, the device must have a mechanism capable of storing the copy beyond the time necessary to execute the first forwarding transmission and at least up to the time of the second transmission (*i.e.*, the retransmission). The only mechanism mentioned in *Daines* that stores data packets is Buffers 20, 24, which are FIFO buffers. See Col. 5, Lines 6-25. A person skilled in the art understands that FIFO buffers are not arbitrarily addressable. That is, a FIFO is not like a regular memory used to store and retrieve data at will. Instead, FIFO buffers are first-in, first-out circular buffers that only store data temporarily. In order to retrieve the data from the FIFO for transmission, the FIFO buffer pointers are advanced in a circular manner, and the data is not retained. Since the data packet is not retained in the repeater FIFO memory, *Daines'* repeater is simply not capable of retaining a stored copy of the forwarded data packet for retransmission as required by claim 1. Accordingly, claim 1 is further allowable over the *Daines* reference.

The Office Action has not identified any new teachings in *Szymanski* that allegedly meet the limitations of claim 1 pertaining to forwarding and storing a copy of the forwarded data packet. It is respectfully submitted that *Szymanski* has no such teachings. Accordingly, it is therefore submitted that claim 1 is allowable over *Daines* and *Szymanski*.

c. Independent Claims 10 and 15

Independent claim 1 recites, *inter alia*, "the at least one repeater node initiating retransmission of the data packet by transmitting the stored copy of the forwarded data packet to the receiver." As stated above, the data packet of claim 1 is transmitted by a transmitter. The data packet is forwarded by a repeater and stored in the repeater. In the event of communication failure, the repeater retransmits its stored copy. It is respectfully reasserted that these limitations

are not met by the *Daines* and *Szymanski* references relied upon by the present Office Action to reject claim 1.

Independent claim 10 as presented herewith recites, *inter alia*, "a pending packet buffer to store copies of the forwarded data packets" and "retransmission ... by transmitting the stored copies of these data packets." Independent claim 15 as presented herewith also, *inter alia*, "a pending packet buffer to store copies of the forwarded data packets" and "retransmission ... by transmitting the stored copies of these data packets." It is respectfully submitted that claims 10 and 15 are allowable over the references relied upon by the present Office Action for rejection.

Remarks in previous responses made with respect to claims 10 and 15 have not been addressed in detail in the Office Action. Nevertheless, the rejections presented in the Office Action have been maintained. Although the claim language of each of independent claims 1, 10, and 15 stands alone, and each of the independent claims is limited only by its own limitations recited therein, it is to be appreciated that the remarks made above with respect to claim 1 and with regard to forwarding, storing, and retransmission of transmitted data packets may be suitably applied to claims 10 and 15. Accordingly, independent claims 10 and 15 are in condition for allowance.

d. Dependent Claim 5

Dependent claim 5 recites, *inter alia*, "the transmitter does not listen for NACK signals relating to its own transmitted data packets." It is respectfully asserted that this limitation is not met by the *Daines* and *Gu* references relied upon by the present Office Action to reject claim 5. Col. 1, lines 39-50 of *Gu* describe several components of a 3G mobile telephone communication protocol. An RLP and an RDP protocol are described, but in the context of RLP and RDP, *Gu* clearly states that a determination is made whether or not to send the same SDB frame or another SDB frame depending on the receipt of an ACK or NACK. Accordingly, the cited *Gu* sections fail to disclose, suggest, or teach a transmitter not listening for NACK signals relating to its own transmitted data packets. Respectful reconsideration of the rejection of claim 5 is requested.

II. Conclusion

Overall, none of the references singly or in any motivated combination disclose, teach, or suggest what is recited in the independent claims. Thus, given the above remarks, the independent claims are now in condition for allowance. The dependent claims that depend directly or indirectly on these independent claims are likewise allowable based on at least the same reasons and based on the recitations contained in each dependent claim. Each of the dependent claims recite additional limitations not contained in their respective parent claims, and are therefore further believed allowable as defining over the applied references.

If the undersigned attorney (Thomas Satagaj) has overlooked a teaching in any of the cited references that is relevant to the allowability of the claims, the Examiner is requested to specifically point out where such teaching may be found. If there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact Mr. Satagaj at (206) 622-4900.

The Director is authorized to charge any additional fees due by way of this response only, or credit any overpayment, to our Deposit Account No. 19-1090. All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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